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MAY 10 1989

RICHARD H. WEARE, CLERK  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

BY /s/ C. Farni,  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

In the matter of )  
)  
MANAGEMENT PLAN FOR )  
COURT REPORTING SERVICES )  
FOR THE DISTRICT OF ARIZONA ) GENERAL ORDER 98-17  
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The Official Court Reporter Plan promulgated in GENERAL ORDER 127 is vacated, and the following plan is substituted as the Plan for the District of Arizona.

**MANAGEMENT PLAN FOR COURT REPORTING SERVICES  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**A. INTRODUCTION.**

The Court desires through this Plan to achieve effective control and management of court reporting services (this includes stenographic, computer assisted, and electronic sound recording operators). The Clerk of Court (Clerk) is authorized administratively by the Court to supervise the combined court reporting and recording operations of the Court. The Clerk of Court shall designate a Court Reporting Supervisor who will be responsible for the day-to-day management of an efficient court

1 reporting and recording service within the Court.

2 The Plan is designed to:

- 3 1. obtain effective management of the court reporting and recording operations by proper  
4 supervision and control;
- 5 2. make clear that court reporters and ESR operators though assigned to a particular judge  
6 serve the court en banc and may be assigned when needed throughout the District for any active judge,  
7 senior judge, visiting district judge, or U.S. magistrate;
- 8 3. obtain the most effective utilization of both the services of court reporters and ESR  
9 operators by equitable distribution of the workload;
- 10 4. avoid backlogs of transcript and assure prompt delivery;
- 11 5. assure appointment and retention of fully-qualified court reporters and recorders, and  
12 dismissal of court reporters and recorders who are no longer performing in a satisfactory manner;
- 13 6. minimize the use of contract reporters;
- 14 7. enhance the efficient operation of the court and further its mission.

15 **B. APPOINTMENT AND DISMISSAL OF COURT REPORTERS AND**  
16 **RECORDERS.**

17 The Court is presently authorized 7 official court reporters and two ESR operators.

18 The Clerk of Court has been designated by the Court to appoint court reporters with the  
19 approval of the Court. Court reporters shall be appointed in accordance with the provisions of the Court  
20 Reporter Act, 28 U.S.C. Section 753, and the policies and procedures of the Administrative Office of  
21 the United States Courts and the Judicial Conference of the United States. Only fully-qualified reporters  
22 shall be appointed as court reporters of this Court. All newly-appointed court reporters and recorders  
23 shall serve a six-month probationary period. Court reporters who do not perform in a competent and  
24 satisfactory manner shall be subject to dismissal by the Clerk with the approval of the Court.  
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1           **C.     DUTIES OF THE COURT REPORTING SUPERVISOR.**

2           1.     The duties and responsibilities of the Court Reporting and Recording Supervisor shall  
3 include, but shall not be limited to:

4                   a.     assignment and reassignment of official court reporters and recorders for the  
5 purpose of distributing fairly and equitably the workload of all reporters and recorders and assuring the  
6 best utilization of all personnel involved in the perfection of the record, subject to the provisions of  
7 paragraph D;

8                   b.     reviewing transcripts to assure full compliance with format requirements of the  
9 Administrative Office of the United States Courts and the Judicial Conference of the United States;  
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11                  c.     reviewing transcript billing to assure that authorized transcript rates are charged  
12 and that billing is in proper form;

13                  d.     determining compliance by all court reporters and recorders with the rules and  
14 regulations concerning the recording and filing of arraignments, pleas and sentences;  
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16                  e.     reviewing the time records of the court reporters and recorders to assure proper  
17 maintenance and accuracy;

18                  f.     reviewing the records of the court reporters and recorders to assure the timely  
19 filing of all reports required by the Administrative Office of the United States Courts and the Judicial  
20 Conference of the United States;  
21

22                  g.     requiring the court reporters and recorders to submit those reports mandated by  
23 the Judicial Conference to the Clerk for review and signature on a timely basis;  
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25                  h.     filing with the Court, at least annually, a report concerning the operations of the  
26 court reporters and recorders;

27                  i.     performing such other duties relating to court reporting and recording services  
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1 as shall be directed by the Court.

2 **D. ASSIGNMENT OF COURT REPORTING AND RECORDING STAFF.**

3 1. Court reporters and recorders serve the Court en banc; therefore, it is within the  
4 discretion of the Clerk to assign and reassign court reporters and recorders to active judges, senior  
5 judges, visiting district judges, and U.S. magistrates in a manner designed to equally distribute the total  
6 court reporting workload efficiently and cost effectively.

8 2. The use of contract reporters and per diem reporters shall be kept to an absolute  
9 minimum. Whenever possible, the use of electronic sound recording shall be used in lieu of hiring a  
10 contract reporter.

11 3. As employees of the Clerk's staff, court reporters and recorders are required to be at the  
12 Courthouse from 8:30 a.m., to 5:00 p.m., Monday through Friday. An answering machine shall be  
13 operational during any absence from their office. The message is to be updated sufficiently to indicate  
14 current date and time, the reason for absence from their office (i.e., court, out-of-district assignment,  
15 annual leave), and anticipated duration. If the absences exceeds 24 hours, calls should be referred to the  
16 Court Reporting Supervisor.

17 4. Travel of court reporters and recorders shall be kept to a minimum.

18 **E. TRANSCRIPTS.**

19 1. Copies of all requests for transcripts shall be forwarded to the Court Reporting  
20 Supervisor or designee.

21 2. First priority shall be given to the production of transcript which involves incarcerated  
22 defendants, especially those cases which challenge the imposition of the death penalty, and to cases on  
23 appeal.

24 3. Transcript for criminal appeals which challenge sentences imposed under the sentencing  
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1 guidelines issued by the U.S. Sentencing Commission pursuant to 18 U.S.C. Section 3742, shall be a  
2 priority.

3 4. The rates charged for transcripts produced by court reporters must conform to the  
4 current fee schedule which is posted in the Clerk's Office (Appendix A).  
5

6 5. Furnishing accelerated transcript service in criminal cases is discouraged and the  
7 apportionment of the total cost of transcript service equally among the parties requesting such service  
8 is prohibited.

9 6. Transcript not delivered within the specified time periods prescribed by the Court are  
10 subject to fee discount provisions as follows:

11 a. Transcript ordered for District Court purposes shall be delivered within thirty (30)  
12 days. Reporters who do not deliver transcript within thirty (30) days may charge only 90% of the  
13 prescribed fee unless an extension of time for the delivery of transcript has been granted by the Clerk of  
14 the District Court. The extension of time, if granted, will not exceed fifteen (15) days, unless  
15 extraordinary circumstances exist as determined by the Clerk.  
16

17 b. Transcript ordered for appeal purposes shall be delivered within (30) days unless  
18 an extension of time for delivery of transcript has been granted by the Clerk of the Court of Appeals.  
19 Reporters who do not deliver transcripts within thirty (30) days may charge only 90% of the prescribed  
20 fee; reporters who do not deliver transcript within sixty (60) days may charge only 80% of the prescribed  
21 fee, unless a waiver of the sanction provisions has been granted by the Clerk of Court of Appeals.  
22

23 The Court Reporting Supervisor will monitor the charges to ensure compliance with the above  
24 guidelines.  
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26 7. Reporters and recorders who are consistently delinquent in delivery of transcripts, filing  
27 of original notes and tapes, and/or submission of required reports, may be subject to the imposition of  
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1 sanctions as determined by the Clerk.

2 8. Reporters who are found to be overcharging for transcripts by virtue of violations in page  
3 format, line format, or reduction in pitch, will be required to make immediate restitution.  
4

5 **F. MISCELLANEOUS.**

6 1. Court reporters and recorders shall not perform any private (freelance) work.

7 2. A reporter shall not use a substitute reporter without the prior approval of the court  
8 reporting supervisor. In the event that a substitute reporter is approved by the Court Reporting  
9 Supervisor, the substitute reporter shall be hired by the reporter for the duration of the period in which  
10 the reporter is unavailable.  
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12 3. The work of the court reporters shall be "note-readable" so that the stenographic notes  
13 of a court reporter can be read by another reporter in the event of an emergency.

14 4. The marking, filing and storing of reporters' notes and recorders tapes shall be in  
15 accordance with the note storage procedures approved by this Court as outlined in Appendix B of this  
16 Plan.  
17

18 5. Court reporters and recorders shall earn annual leave in accordance with the provisions  
19 of the Leave Act, 5 U.S.C. Section 6301, et seq. Guidelines for the administration of leave are attached  
20 as Appendix C.

21 6. Annual performance appraisals will be conducted by the Clerk of Court or designee for  
22 all court reporters and recorders.  
23

24 **G. AUTHORITY OF CLERK.**

25 The Clerk shall administer this Plan on behalf of the Court, and the Clerk is fully authorized and  
26 empowered to implement and carry out the terms of this Plan subject to the right of the court reporter  
27 to appeal to the Court en banc.  
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1 Duly adopted, approved and effective this 10<sup>th</sup> day of May, 1989.

2 /s/ Richard M. Bilby  
3 Richard M. Bilby, Chief Judge

/s/ Paul G. Rosenblatt  
Paul G. Rosenblatt, Judge

4 /s/ Charles L. Hardy  
5 Charles L. Hardy, Judge

/s/ Robert C. Broomfield  
Robert C. Broomfield, Judge

6 /s/ Alfredo C. Marquez  
7 Alfredo C. Marquez, Judge

/s/ Roger G. Strand  
Roger G. Strand, Judge

8 /s/ Earl H. Carroll  
Earl H. Carroll, Judge

/s/ C. A. Muecke  
C. A. Muecke, Senior Judge

9 /s/ William D. Browning  
10 William D. Browning, Judge

/s/ William P. Copple  
William P. Copple, Senior Judge

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APPENDIX A

FILED

SEP 25 1987

RICHARD H. WEARE, CLERK  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

BY /s/ C. Farni,  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

In the matter of )

COURT REPORTERS' RATES )  
FOR TRANSCRIPTS )

GENERAL ORDER 161

**IT IS ORDERED** that transcript rates to be charged by court reporters in the United States

District Court for the District of Arizona shall be as follows:

Ordinary Transcript. (A transcript to be delivered within thirty calendar days after receipt of an order.)

Original	\$3.00
First Copy to Each Party	.75
Each Additional Copy to the Same Party	.50

Expedited Transcript. (A transcript to be delivered within seven calendar days after receipt of an order.)

Original	\$4.00
First Copy to Each Party	.75
Each Additional Copy to the Same Party	.50

Daily Transcript. (A transcript to be delivered following adjournment and prior to the normal opening hour of the Court on the following morning whether or not it actually be a Court day.)

Original	\$5.00
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1 First copy to Each Party 1.00  
2 Each Additional Copy to the Same Party .75

3 Hourly Transcript.

4 Original \$6.00  
5 First Copy to Each Party 1.00  
6 Each Additional Copy to the Same Party .75

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**DATED** this 25<sup>th</sup> day of September, 1987.

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/s/ Richard M. Bilby  
Richard M. Bilby, Chief Judge

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## APPENDIX B

### **PROCEDURES FOR STORAGE OF COURT REPORTERS' NOTES AND TAPES**

All original notes and tapes are to be relegated to the Clerk of Court within 90 days after the conclusion of the proceeding. If a transcript is ordered on a case on which the notes have been submitted to the Clerk, the court reporter shall retrieve the notes from storage and shall refile the notes when the transcript is submitted.

#### Procedures Storage of Original Notes.

1. All notes are to be chronologically filed and placed in FRC boxes which can be obtained from the Clerk's office.

2. The outside of the box should be marked with a label indicating the court reporter's name and the calendar year, month and dates contained within. For example:

"Jones - Box 85-1

January 1 to 31, 1985"

3. If the notes for a particular month are too voluminous to be stored in one box, use as many boxes as necessary and identify them in sequence. E.g., Box 85-1(A), Box 85-1(B), Box 85-1(C) would all contain notes for January, 1985. Conversely, if the notes for a particular month do not fill one box, several months' notes may be stored in that box as long as it is identified as follows: Box 85-1, 85-2, 85-3.

4. Each packet of notes is to be certified and should include the case number, case caption, presiding judge, date of proceeding and court reporter's name.

5. Each box of notes must contain a Filing Certification Form for Original Notes (Enclosure 1), accompanied by a copy of the Weekly Court Attendance Sheet which corresponds to the notes contained in the box. A duplicate is to be furnished to the Court Reporting Supervisor.

In order to maintain the security of original notes, it is recommended that each reporter place his/her notes in packets on a daily basis and secure them at the end of the day within his/her office.

1           Procedure for Storage of Original Tape Recordings.

2           In accordance with 28 U.S.C. Section 753(b), court reporters are required to file with the Clerk  
3 of Court either a transcript or an electronic sound recording of all arraignments, pleas, sentences, and  
4 other proceedings required by court. Accordingly, all tape recordings of official proceedings are to be  
5 turned over to the Clerk of Court within 90 days after the conclusion of a proceeding. Each tape, or  
6 series of tapes if they pertain to one trial, must be accompanied by a Filing Certification Form for Tape  
7 Recordings (Enclosure 2). A duplicate of this form is to be furnished to the Court Reporting  
8 Supervisor.  
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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

FILING CERTIFICATION FORM FOR ORIGINAL NOTES

In accordance with 28 U.S.C. Section 753, I hereby certify that the original notes tendered herein for filing with the Clerk of Court are the full, true and correct notes taken during oral proceedings in the United States District Court for the District of Arizona and includes District Court, Magistrate, and other official hearings held in said district as specified on the attached Weekly Court Attendance Sheet.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Court Reporter)

NOTE: This form must be accompanied by the appropriate Weekly Court Attendance Sheet.

**CERTIFICATE OF OFFICIAL COURT REPORTER**

TO: CLERK, UNITED STATES DISTRICT COURT FOR THE \_\_\_\_\_  
DISTRICT OF \_\_\_\_\_.

I, \_\_\_\_\_, certify that I am a duly  
(name of court reporter)  
appointed official court reporter for the United States District Court named above, and that I was  
present in the courtroom of said court on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ and in the  
regular course of my profession made an electronic sound recording of the proceedings, including the  
arraignment, pleas, and sentence proceedings had in the following cases:

<u>Document Number</u>	<u>Name of Defendant</u>	<u>Nature of Proceeding</u> (Arraignment, plea, sentence)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have played back said recording and certify that it is a true and correct recording of the  
proceeding had, that it is sufficiently intelligible when played on a \_\_\_\_\_,  
(make and model of machine)  
that it can be transcribed without undue difficulty, and that I filed the original of said recording in the  
envelope to which this certificate is attached.

I further certify that I have filed my original (shorthand notes) (other record) taken of these  
proceedings with the clerk as required by 28 U.S.C. § 753(b) as amended.

\_\_\_\_\_

(Signature)

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(Place)

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(Date)

## APPENDIX C

### **COURT REPORTING AND RECORDERS GUIDELINES FOR ABSENCE AND LEAVE USAGE**

#### I. **PURPOSE**

To inform court reporters and recorders of their office hours, and duties and responsibilities with respect to leave administration.

#### II. **SCOPE**

These guidelines cover attendance, types of leave earned, and the most common types of absences and leave usage.

#### III. **CONTENT**

These guidelines specifically define policies regarding leave usage.

#### IV. **OFFICE COURT REPORTERS' AND RECORDERS' RESPONSIBILITIES**

A. Observing the office hours which are 8:30 a.m., to 5:00 p.m., daily.

B. Being present in the courthouse during the business day unless otherwise authorized by the Court Reporting Supervisor.

C. Requesting leave and securing written approval from the Court Reporting Supervisor, in advance, at the earliest opportunity.

D. Submitting acceptable evidence to the Court Reporting Supervisor to support leave when required to do so.

#### V. **LEAVE ACCRUAL**

##### A. **Sick Leave**

At its March, 1984 session, the Judicial Conference of the United States approved the following policy:

Court reporters who are assigned regular tours of duty are to earn sick leave according to the Leave Act. Thus, the Conference's policy on sick leave adopted at its March 1982 meeting is rescinded. Sick leave will be authorized only in accordance with the Leave Act.



Court reporters and recorders earn and are credited with four (4) hours of sick leave for each full bi-weekly pay period.

B. Annual Leave

1. The Judicial Conference, at its March, 1983 session, adopted the following guideline with respect to granting annual leave to court reporters:

Beginning with the 1984 leave year (effective January 8, 1984) a reporter who has been placed on a regular tour of duty consisting of a set number of work hours per week in the courthouse, specified in advance, during which hours the reporter may generate transcripts but may not perform any private (free-lance) work of any kind, the reporter is to earn annual leave in accordance with the Leave Act, 5 U.S.C. Section 6301 et seq.

2. Since this Court has amended its Management Plan to reflect that a 40-hour tour of duty for court reporters has been established, which requires them to be present in the courthouse and which specifies that they cannot undertake private reporting assignments, annual leave is provided to official court reporters.

3. Court reporters and recorders earn and are credited with annual leave per pay period according to their years of service with the federal courts as follows:

- a. Less than three years -- four hours for each full bi-weekly pay period.
- b. More than three but less than 15 years -- six hours for each full bi-weekly pay period, except that accrual for the last full bi-weekly pay period in the calendar year is 10 hours.
- c. Fifteen years or more -- eight hours for each full bi-weekly pay period.

4. The granting of annual leave to reporters and recorders by the Clerk of Court is subject to the court reporting requirements of this Court.

5. A reporter or recorder may accumulate up to 240 hours of annual leave and carry up to that amount into the next year.

6. If a reporter or recorder retires, resigns, or is otherwise separated, he/she is paid for any unused annual leave.

## VI. LEAVE PROCEDURES

### A. Sick Leave

1. Sick leave is granted to court reporters and recorders when they are incapacitated due to:

- a. Sickness, injury or pregnancy and confinement.
- b. Medical, dental or optical examination or treatment.
- c. When a member of the immediate family of the reporter is afflicted with a disease and requires the care and attendance of the reporter.
- d. When, through exposure to contagious disease, the presence of the reporter at his or her

1 post of duty would jeopardize the health of others.

2 2. Written application for sick leave for medical, dental or optical examination should be  
3 made on an SF71 form and submitted to the Court Reporting Supervisor in advance of the requested  
4 leave date.

5 3. Court reporters and recorders may be required to submit a medical certificate for sick  
6 leave absences in excess of three work days or more. The Clerk of Court may request evidence of sick  
7 leave of any duration and, if so requested, the medical certificate should be submitted to the Clerk of  
8 Court within three days after the reporters' return to duty.

9 4. Court reporters and recorders are responsible for personally:

10 a. Notifying the Court Reporting Supervisor by 8:30 a.m., on the workday of their illness  
11 or injury. If a reporter is too ill to make the call, she/he is expected to have a family member  
12 contact the Court Reporting Supervisor. If a family member reports the illness, the reporter  
13 should call the Court Reporting Supervisor as soon as he/she is able to do so.

14 b. Keeping the Court Reporting Supervisor informed of their expected return to duty date.

15 c. Submitting an SF71 immediately upon return to work to the Court Reporting Supervisor.

16 5. A court reporter or recorder may request advanced sick leave for serious medical reasons.  
17 If the request is for three work days or more, the SF71 form must be accompanied by a medical  
18 certificate.

#### 19 B. Annual Leave

20 1. Annual leave is provided for the purpose of attending to personal business or  
21 emergencies and for allowing an annual vacation.

22 2. Written application for annual leave should be on an SF71 form and approved five  
23 working days before the requested day.

#### 24 C. Leave Without Pay (LWOP)

25 1. In most cases, LWOP is the result of a lack of sufficient annual or sick leave to cover all  
26 or a portion of a requested period of absence and is not granted until the reporter or recorder has  
27 exhausted his/her annual leave and/or sick leave.

28 2. LWOP must be requested and approved prior to the commencement of the leave.

3. An SF71 form and a memorandum specifying the reasons and the time period must be  
furnished by the reporter for LWOP requests.

#### D. Absence for Maternity Purposes

1 Maternity Leave is chargeable to sick leave or any combination of sick leave, annual leave,  
2 compensatory time, or Leave Without Pay.

3 Maternity leave may be used to cover the time required for physical examinations and to  
4 cover the period of incapacitation. The period of authorized maternity leave is normally twelve (12)  
5 weeks, not more than four (4) weeks before the expected date of delivery, and not more than eight (8)  
6 weeks after the delivery date. If the period of incapacitation exceeds beyond the eight week period after  
7 delivery, a medical certificate is required.

8 Leave Without Pay beyond the eight (8) week period may be authorized by the Clerk of  
9 Court for up to a total of six (6) weeks. All requests for time off duty beyond eight weeks, however,  
10 must be made in writing to the Clerk of Court.

11 A Court Reporter's or Recorder's responsibilities:  
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1           1. A reporter or recorder shall make known her intent to request leave for maternity  
2 reasons, including the type of leave to be charged, approximate dates, and anticipated duration, as soon  
3 as the pregnancy is confirmed.

4           2. Duration of the maternity leave shall be determined by the reporter and her physician,  
5 subject to the approval of the Clerk of Court.

6           3. In order to assist this office in determining the types of leave to be charged to maternity  
7 leave, a physician's statement attesting to the period of incapacitation is preferred.

8           4. Leave requests shall be processed in accordance with regular office leave policy.

9           5. A reporter planning to return to work must indicate this fact to the Court Reporting  
10 Supervisor when applying for maternity leave.

11           E. Absence for Paternity Reasons.

12           1. A male reporter may request only annual leave, compensatory time, or Leave Without  
13 Pay for purposes of assisting or caring for his minor children or the mother of his newborn child while  
14 she is incapacitate for maternity reasons.

15           F. Court Leave.

16           Court Leave may be granted if you are summoned to serve as a juror. Because you continue  
17 to earn your regular salary while serving as a juror, you are entitled to be compensated for mileage and,  
18 if required, a travel or subsistence allotment. Any additional compensation received for jury duty must  
19 be turned in to the Financial Deputy.

20           Court leave may also be granted if you are subpoenaed by a government agency to appear  
21 as a witness on behalf of the United States, the District of Columbia, or a state or local governmental  
22 agency. You are not entitled to court leave if the witness service is on behalf on a private party or if you  
23 witness service on behalf of a private party or if you volunteer to serve as a witness. Because you are  
24 making an appearance in an official capacity, you continue to receive your appearance in an official  
25 capacity, you continue to receive your regular salary and are entitled to be compensated for mileage  
26 and/or travel expenses. Any fees or additional compensation received must be turned in to the Financial  
27 Deputy.

28           Anytime you receive a summons for jury duty or a subpoena from a governmental agency,  
29 notify your Court Reporting Supervisor as soon as possible.

30           G. Administrative Leave.

31           1. Reporters will be granted administrative leave as outlined in 3.09 of the Clerk's Office  
32 Personnel Manual.

1           2. Reporters who participate in professional organizational workshops and seminars as an  
2 instructor or participant may be granted administrative leave if adequate resources are available to  
3 meet anticipated reporting needs and if transcript orders and quarterly and annual reports are current.  
4 The employee must submit a written request to the Court Reporting Supervisor a minimum of 5 working  
5 days prior to the anticipated leave.

6           3. Administrative leave extended for any of the reasons enumerated in section 3.09 of the  
7 Personnel Manual and item 2 above will not exceed an accumulation of 10 days (80) hours in any leave  
8 year. Leave taken in excess of 80 hours will be charged to the employee's annual leave.  
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